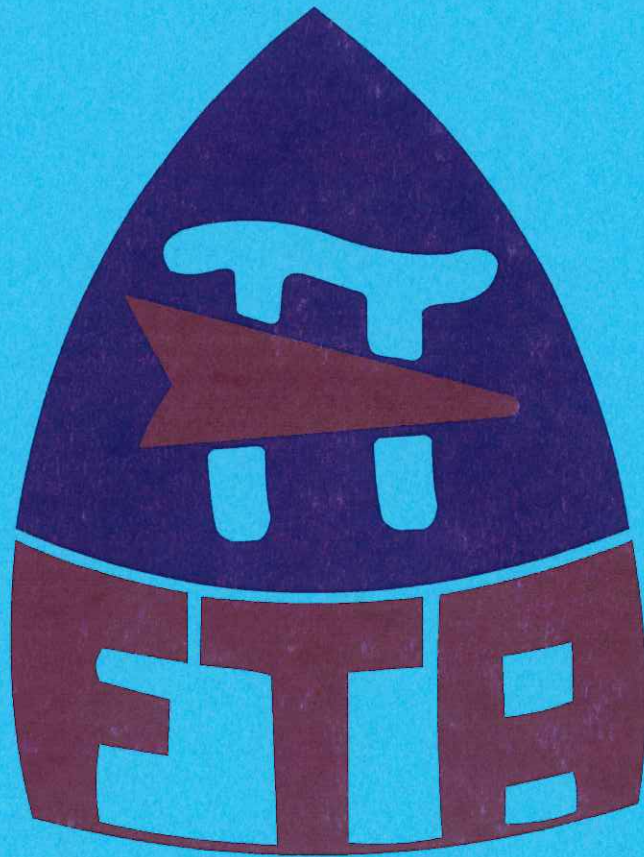


BYLAWS



Fresno Teachers Association

November 2011

AMENDED AS A WHOLE
September 19, 1990,
the FTA Executive Board
recommended a do pass to the
FTA Representative Council.
October 15, 1990, approved by the
FTA Representative Council.

Amended September 16, 1991

Amended March 8, 1993

Amended May 20, 1996

Amended December 13, 1999

Amended February 14, 2000

Amended May 13, 2002

Revised June, 2003

Amended May 16, 2005

AMENDED AS A WHOLE
October 3, 2005,
the FTA Executive Board
recommended a do pass to the
FTA Representative Council.
October 11, 2004, approved by the
FTA Representative Council.

Amended November 14, 2005

Amended December 12, 2005

Amended PAC Dues May 12, 2008

Amended December 14, 2009

Amended November 7, 2011

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REQUIREMENTS FOR CHAPTER GOVERNANCE DOCUMENTS

BYLAWS

Fresno Teachers Association/CTA/NEA

I. NAME AND LOCATION

Pursuant to the Articles of Incorporation (effective February 1965 and revised October 15, 1990) the official name of this Association shall be the Fresno Teachers Association (FTA), located in Fresno County, and affiliated with the California Teachers Association (CTA) and the National Education Association (NEA).

II. PURPOSES

The primary purposes and powers of this Association are set forth in the FTA Articles of Incorporation and as further defined shall be:

- A. To represent its members in their relations with their employer, and to seek to be the exclusive representative of appropriate units of school employees in all matters relating to employment conditions and employer-employee relations including, but not limited to, wages, hours, and other terms and conditions of employment;
- B. To form a representative body capable of developing group opinion on professional matters to speak with authority for members;
- C. To provide an opportunity for continuous study and action on problems of the profession;
- D. To raise the standards for education support professionals;
- E. To provide a means of representation for its ethnic-minority members;
- F. To promote professional attitudes and ethical conduct among members (Refer to NEA Code of Ethics Addendum #1);
- G. To encourage cooperation and communication between the profession and the community; and
- H. To foster good fellowship among members.

III. AFFILIATION WITH CTA/NEA

- A. The Fresno Teachers Association shall be a chartered chapter of the California Teachers Association (CTA) (effective March 1951).
- B. The Fresno Teachers Association shall be an affiliate local association of the National Education Association (NEA);

IV. MEMBERSHIP

- A. General Requirements to become a member, an employee of the Fresno Unified School District, as defined in Article 49 of the Collective Bargaining Agreement (CBA), must complete a membership enrollment form. The prescribed amount of dues for the membership category for which the member is eligible must be paid in full by cash or by a signed payroll deduction authorization form. In addition, membership is also required in the appropriate parallel category within the California Teachers Association and within the National Education Association (as established in 1976).
- B. Active membership shall be open to any person who is engaged in or who is on limited leave of absence from professional educational work, is an employee of Fresno Unified School District, and whose primary assignment is such as not to hold evaluatory responsibility over other employees to such an extent as not to be represented in the negotiations process by the bargaining unit.

- C. An active member, one who pays full dues to FTA/CTA/NEA is a member in good standing and will be entitled to all the services and benefits provided by the United Teaching Profession (UTP).
 - D. The right to vote and to hold elective office or appointive position within the Association shall be limited to Active members.
 - E. Active members shall be eligible to receive special services, obtain assistance in the protection of professional and civil rights, and receive reports and publications of the Association.
 - F. An individual who is serving as a negotiator for a public school employer shall relinquish their membership and shall not be eligible for membership in the Association.
 - G. Active members shall adhere to The Code of Ethics of the Education Profession.
 - H. The rights to and privileges of membership shall not be abridged in any way because of age, sex, race, color, ethnic group, marital status, national origin or sexual orientation.
 - I. No member of the Association may be disciplined without a due process hearing, which shall include the established appellate procedure.
 - J. The membership year shall be that period of time from September 1 of any given calendar year through August 31 of the following calendar year, inclusive
 - K. Unless otherwise expressly provided by law, persons who tender agency fees shall have no rights or privileges within this Association.
 - L. Associate Membership is available to certificated employees, who have been promoted to management and are no longer members of the bargaining unit, but were members in good standing prior to being promoted to management shall be entitled only to the economic benefit and insurance programs provided to the UTP.
 - M. Retired membership is available to FTA members through CTA/NEA only and shall not be eligible to vote or to hold Association offices.
- V. DUES, FEES, AND ASSESSMENTS**
- A. The dues index for all classes of membership will be recommended by the Executive Board and determined by the Representative Council, during the annual budget approval process. The basic annual dues level for Active members, and representation fee for non-members represented in the bargaining unit, shall be sufficient to cover the operation expenses of the Association, the dues of CTA, and the dues of NEA.
 - B. A notice of intent to change the dues index will be given to the general membership 30 days prior to action by the Representative Council.
 - C. Dues shall be paid through payroll deduction shall be from Oct. to July of each school year.
 - D. Members paying their annual dues in cash will make such payment in full to the Association's office on or before October 15 of each year in order to maintain continuous membership in the Association (if by October 31 of any calendar year a member has neither paid the established annual membership dues for the current membership year, nor made satisfactory arrangements for payment, the person's membership shall be considered delinquent and the category/class will revert to Agency/Service Fee Payer). Members who pay their dues by payroll deduction and who do not cancel that method of payment by October 1 will be considered as having committed themselves to that method of payment for the subsequent year thus maintaining continuous membership in the Association;

- E. The Association will accept the payment of dues from persons eligible for membership who wish to become a member after November 15 of any given year by payment of dues through payroll deductions. Such dues will be in an amount determined by the number of regular deductions remaining to be withheld from the employee's pay warrants from the time of joining through the remainder of the membership year.
- F. Negotiated Agency/Service Fee Payer dues will be apportioned on the same percentage basis (90%) as the full FTA/CTA/NEA dues.
- G. FTA-PAC
 1. Effective with the 2008-2009 school year there will be a three-dollar (\$3.00 – reverse check-off) per month assessment for the FTA-PAC added to the indexed dues for the ten (10) month traditional school year. (Amended May 12, 2008);
 2. Any member who elects, on or before October 30 of any year, that no part of his/her assessment shall be allocated to such fund shall notify the Association in writing of his/her election and no part of such assessment shall be allocated to the FTA-PAC (adopted May 20, 1996);
 3. Any member who elects not to have his/her assessment paid to the FTA-PAC will have his/her assessment allocated in full to the Association's general fund for the general purpose budget (adopted May 20, 1996);
 4. Membership in and the Governance of FTA-PAC are defined in the FTA-PAC By-laws.

VI. POLICY-MAKING BODY –REPRESENTATIVE COUNCIL

- A. The policy-making body of the Association shall be the Representative Council. The Representative Council, comprised of Active members of the Association, derives its powers from and shall be responsible to the Active membership.
- B. The Representative Council shall be composed of the following Active members:
 1. Executive Board, ex-officio (with all rights and powers of a regular Representative Council member);
 2. Faculty Representatives elected on the basis of one-person one-vote. Each school site or unit is entitled to a representative for every twenty-five (25) faculty or fraction thereof who are active members; and,
 3. Representatives from any group of Fresno Teachers Association members not affiliated with or represented through any school faculty, and from such other groups as may be accorded recognition for representation purposes by a majority vote of the Fresno Teachers Association Representative Council, will be defined as a unit, and representation will be granted to such groups on the same ratio basis as it is granted to the school faculties (i.e. one representative for every twenty-five members or portion thereof).
- C. Powers of the Representative Council, but are not limited to the following:
 1. Establish Association policies and include objectives;
 2. Adoption and amendment of the Association's annual budget of the Association;
 3. Establish the dues of the Association;
 4. The restatement or amendment of the Articles of Incorporation, or the adoption and amendment of these Bylaws;
 5. The formulation of such subsidiary arrangements as may be necessary to facilitate the execution of its powers which must be presented to the next convening of a quorum of the Representative Council.

6. The ability to call an official business meeting of the general membership of the Association in accordance with Article X Section A2;
 7. Except for its power to make a decision on the budget and setting of the dues index, the Representative Council may, by majority vote, delegate its power to make a decision on a given matter by referring any business item to a vote of the general membership of the Association. Such a vote may be conducted at a general meeting of the membership, conducted in conformance with the provisions of Article VI of these Bylaws, or by means of a plebiscite or referendum vote. Any such vote carried out will be conducted by the FTA Elections Committee at a time determined by the Representative Council and will require a majority of those voting to pass. The results of such a vote will be binding upon the Association. The Representative Council has the exclusive right to conduct such a binding vote, with the exception of contract ratification; and
 8. The power to initiate an information vote, ballot, poll, survey, census, tally, ticket, will, choice, etc., of the total membership. The ballot for such a survey will carry a prominent disclaimer to the effect that the results are intended for informational purposes only, and will not be binding on the Association (see # 6 above).
- D. The Representative Council shall meet at least once during each full school month; the exact number, place and time of meetings to be decided by the Executive Board.
 - E. Notices and agendas for all meetings of the Representative Council shall be sent to all members of the Representative Council at least 7 days prior to the date of the meeting.
 - F. Special (or emergency) meetings of the Representative Council may be called by the President, a majority vote of a quorum of the Executive Board, a majority vote of a quorum of the Representative Council or by written petition of one-third (1/3) of the Representative Council.
 - G. Special meetings of the Representative Council shall be called for a specific purpose and no business other than that for which the meeting is called may be transacted.
 - H. For emergency meetings of the Representative Council during crisis situations, the Executive Board shall adopt procedures to notify representatives of meeting dates, places, and times.
 - I. A quorum for all meetings of the Representative Council shall consist of a majority (one half plus one) of all voting members of the Representative Council.
 - J. Members of the Representative Council shall serve a term of one year to begin on July 1 and end on June 30. (There are no term limits on faculty representatives.)

VII. FACULTY/SITE/SITE-UNIT REPRESENTATIVES

- A. Faculty/Site/Site-Unit representative(s) and alternate(s) shall be elected by and from the Active membership for each faculty group for the coming school year in April. Such election shall be by open nominations and by secret ballot.
 1. Upon completion of the election of a Representative(s) or alternate(s) in a unit, the current unit Representative(s) will submit the name(s) of the newly elected representative(s) and alternate(s) to the Association office.
 2. With the exception of any CTA or NEA elected position, no member shall be elected to hold more than one (1) elected position within FTA at any level.

- B. Each faculty/site/site-unit shall be entitled to at least one representative and shall have one representative for each 25 Active members on the faculty, or major fraction thereof.
- C. Active members who are not represented through an individual school faculty group shall be counted as a special faculty/site/site-unit group entitled to the same representation on the Representative Council as individual school faculty groups.
- D. Vacancies: Vacancies in the office of Representative for whatever cause may be filled by properly elected replacements.
- E. Faculty/Site/Site-Unit Representatives shall:
 - 1. Attend all regular and special meetings of the Representative Council. In the event of the Representative's inability to attend a meeting, it will be their responsibility to see that an alternate attends in their place.
 - 2. Serve as the official channel through which written communications and publications can be easily and quickly transmitted between the Association and the members;
 - 3. Represent the views and input of the Active membership of the faculty in votes taken in the Representative Council, conducting frequent and regular polls of such membership for this purpose;
 - 4. To oversee the proper conduct of Association elections in their unit, to return all ballots and/or materials no later than the established deadlines, except ballots sent by direct mail; and,
 - 5. Perform such other reasonable duties as may be requested by the unit's membership and/or by the Association's Executive Board.
- F. A Faculty/Site/Site-Unit Representative may not conduct an election in which he/she is a candidate.
- G. Elected alternates will assume all duties, powers, and responsibilities of their unit's Representatives in the event of the Representative's absence or inability to perform.

VIII. OFFICERS

- A. The officers of the Association shall be a President, a Vice-President, a Secretary, and a Treasurer.
- B. These officers shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in their respective positions during their terms of office.
- C. These officers shall be elected by and from the Active membership of the Association. Such election shall be by open nominations and secret ballot.
- D. Regular active employment at the time of election and during tenure in office and membership in the bargaining unit will be required of elected officers and directors-at-large of the association. Full time release president will be considered a regular active employee.
- E. Officers shall be elected for a term of 2 years in duration, but cannot serve more than two (2) consecutive two (2) year terms in the same position, elected in the even years, with the term commencing on July 1 of any calendar year.
- F. A vacancy shall be deemed to exist in the case of death, resignation, or inability to serve in any of the offices of the Association. If there is a vacancy occurring in the office of the President, the Vice-President shall assume the office. In the event a vacancy occurs in

the other offices, a special election shall be held to elect successors to fill the unexpired terms.

G. The President shall be the chief executive officer of the Fresno Teachers Association and its policy leader. The President shall:

1. Preside at all meetings of the Association, the Representative Council and Executive Board;
2. With the assistance from professional staff, prepare the agenda for the meetings of the Association, the Representative Council and the Executive Board;
3. Serve as the official spokesperson for the Association;
4. Serve as a non-voting, ex-officio member of all Association committees, with the exception that he/she will not serve on the Elections Committee;
5. Be familiar with the governance documents of the FTA, CTA, and NEA;
6. Appoint all committee chairpersons and approve members of committees with the approval of the Executive Board. The committee chair may participate with the President in selection of committee members. Such appointees will serve at the discretion of the President;
7. Appoint the chairperson and members of the Negotiations Team with the approval of the Executive Board;
8. Call regular and/or special meetings of the Association, Representative Council and the Executive Board with at least 48 hours notice;
9. Propose the procedures for grievance processing for ratification by the Executive Board and the Representative Council;
10. Suggest policies, plans and activities for the Association and be held responsible for the progress and work of the Association;
11. Attend the meetings of the CTA State Council of Education and the Fresno Madera Service Center Council;
12. Represent the Fresno Teachers Association at California Teachers Association State Council, the National Education Association Representative Assembly, and other organizational meetings (pertinent to FTA representation – when eligible as an elected representative, otherwise as ex-officio).
13. Attend the meetings of the Fresno Unified School District Board of Education and prepare and present Association positions, when appropriate;
14. With the assistance from professional staff, participate in significant meetings with Administration, Board of Education members, and other community leaders;
15. Be responsible, with the assistance of the Executive Board and professional staff, for a master calendar of events for the current year. This calendar will be published for all the Representative Council members;
16. Present Association program priorities for the coming year (including those related to the Association's annual budget) to the Representative Council not later than the regular March meeting;
17. Present, at the May meeting of the Executive Board, a written report evaluating the progress of the Association (for the current school year) in regard to established program priorities

18. Assume responsibility for the fulfillment of duties by all officers and Directors-at-Large of the Association and maintain compliance with FTA/CTA/NEA governance documents;
19. Report to the Executive Board, any professional staff actions which are allegedly not in conformance with Association policy;
20. Be responsible for records being kept of the Association proceedings and for overseeing preparation and distribution of the minutes of the Representative Council, the Executive Board, and general membership meetings;
21. Maintain contact with membership through school visitations, or other appropriate means, and communicate membership concerns to the Executive Board;
22. Serve as Fresno Teachers Association liaison with appropriate community organizations;
23. Report State of the Association at the final Representative Council meeting of the traditional school year;
24. Direct, with the approval of the Executive Board, the negotiations and grievance programs that pertains directly to the Association;
25. Fulfill such other responsibilities as directed by the Representative Council or Executive Board;
26. Serve as editor of the Association's official publication, if any; and, as such, be responsible for making all editorial decisions.

H. The Vice-President shall:

1. Serve as assistant to the President in all duties of the President;
2. Assume the duties of the President in the absence of the President;
3. Be responsible for the formation and distribution of the Association's calendar of activities;
4. Serve as liaison to the Bylaws, Standing Rules and Policies Committee;
5. Perform other such duties as may be assigned by the President under the provisions of these Bylaws.

I. The Secretary shall:

1. Be responsible that careful and accurate records of the proceedings of each meeting, regular or special, of the Association, Representative Council, and the Executive Board be kept;
2. Be responsible for the distribution of minutes, notice of meetings, and agendas for all meetings to members of the Representative Council and Executive Board; and to the membership when appropriate;
3. Assume the duties of the Vice-President in the absence of the Vice-President;
4. Serve as liaison to committee(s) at the direction of the President;
5. Perform other such duties as may be assigned by the President under the provisions of these Bylaws;

J. The Treasurer shall:

1. In conjunction with designated staff:
 - a. Oversee the receipt and disbursement of all of the Association funds;
 - b. Prepare the periodic financial reports for the Executive Board and the Representative Council;

- c. Prepare and present the Association's proposed annual budget to the Executive Board and the Representative Council according to guidelines of the Bylaws
 - d. Monitor the Association's financial bookkeeping;
 - e. Develop such other financial reports as may be required by the Executive Board or the Representative Council;
 - f. Oversee checking, savings, and all other accounts; and see that transfers and withdrawals in excess of one hundred thousand (\$100,000.00 (exclusive of dues transmittal checks to CTA) require two (2) original signatures and the approval of the Executive Board.
2. Assume the duties of the Secretary in the absence of the Secretary;
 3. Serve as the liaison to committee(s) at the direction of the President;
 4. Will perform other such duties as may be assigned by the President under the provisions of these Bylaws.

IX. EXECUTIVE BOARD

The Executive Board of this Association will exercise all the appropriate powers of the Association subject to the restrictions provided by state and federal law, and by these Bylaws, and subject to the policies established by the Representative Council.

- A.** The Executive Board shall be composed of the elected officers and 6 members elected at large from the Active membership, as long as this complies with the "one-person – one-vote" rule.¹ (CTA/NEA rules require that elected persons serve in elective governance positions. Therefore, when a vacancy occurs, a special election is the only way the electorate has to ensure that the office will be filled by a person representing a majority of the electorate.)
 1. The elected officers are President, Vice-President, Secretary, and Treasurer;
 2. Six (6) Directors-at-Large (who represent the entire membership) and one additional racial and ethnic Minority Director, if no such minority is already serving on the Executive Board;
 3. The Executive Director, if one exists, shall serve as an ex-officio member without voting powers. The Associate Director(s) may also serve as ex-officio member(s) without voting powers.
 - B.** All members of the Executive Board shall be and remain currently paid-up local, state, and national (Active) members as a condition for nomination to and service in this position.
 - C.** The at-large members of the Executive Board shall be elected with open nominations and by secret ballot.
 - D.** The at-large members shall be elected for a term of 2 years in duration, but cannot serve more than two (2) consecutive, two (2) year terms, elected in the odd years with the term commencing on July 1 of any calendar year.
 - E.** A vacancy on the Executive Board shall be declared to exist by the official action of the Executive Board in the case of death, resignation, inability to serve in this position, or is absent from regularly scheduled meetings of the Board more than three (3) consecutive times or four (4) total during any one year in office. If there is a vacancy occurring, a special election to fill the vacancy shall be held within thirty days.
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- F. Before the beginning of each traditional school year, the Executive Board will set a calendar of regular meetings for that school year. Agendas of all regular meetings will be sent to Executive Board Members one week in advance.
- G. The Executive Board shall meet at least once each month prior to each regular meeting of the Representative Council and at such other times as the President may deem necessary, or upon written petition of a majority of the voting members of the Executive Board to the President; with all board members having been duly notified at least 48 hours in advance in each case.
- H. A quorum for all meetings of the Executive Board shall consist of a majority (one half plus one) of the elected members of that body, all members having been duly notified. This will necessitate a notice to the Executive Board prior to the meeting. There will be no proxies for the Executive Board; member(s) of the body must be present to vote.
- I. Executive Board meetings (regular or specially called) will be open to the members of the Association.
- J. An Executive Session may be held upon call of the President; or upon demand of a majority of the voting members of the Board with at least 48 hours notice in advance. Voting on items from Executive Session will be done in the open session and recorded in the Executive Board minutes.
- K. The duties and the responsibilities of the Executive Board are:
 - 1. The exercise of all of the corporate, business and organizational powers, and duties of the Association and the supervision and control of its business affairs, subject only to the limitations and restrictions provided by state and federal law, and by these Bylaws, and subject to the policies and restrictions established by the Representative Council.
 - 2. The rights to all powers and duties normally reserved to the Representative Council will automatically be delegated to the Executive Board during the time from the last day of teacher service at the end of the traditional school year to the first Representative Council meeting at the beginning of the next traditional school year. Any action of the Executive Board during this period will be reported in writing to the Representative Council at the first meeting of the traditional school year.
 - a. Exemptions from the above will be the powers to:
 - 1) Adopt and/or amend the Articles of Incorporation
 - 2) Adopt and/or amend the Association's bylaws
 - 3) Adopt the Association's Annual Budget; and
 - 4) Set the membership dues index
 - 3. Direct the bargaining activities of the Association, subject to policies established by the Representative Council;
 - 4. Approve appointment and removal (2/3 vote) of bargaining team members;
 - 5. Approve all appointments to and removal of other committees' chairpersons and members by majority vote.
 - 6. Recommend a budget for the Association to the Representative Council:
 - a. The preparation and approval of a proposed budget will be completed in March and forwarded to the Rep Council at the April meeting for review and discussion, and be submitted to the Rep Council at the May meeting for final

- adoption. The proposed budget must be submitted to the Rep Council members two weeks prior to the April meeting.
- b. The authorization of the transfer of budgeted contingency funds to other areas of the Associations Budget and/or the expenditure of funds from the contingency account in the budget.
 - c. The establishment of proper procedures for the safekeeping of and the accounting of all Association funds.
 - d. The incurring of indebtedness in the name of the Association for such sums as are necessary for current operations as well as any sums for a major project of the Association, provided that such project has been approved by the Rep Council.
 - e. The responsibility of an audit with an independent auditing firm, once every year (according to CTA policy)
7. The approval, by majority vote, of committee chairpersons' and committee members' appointments by the President.
 8. Adopt and/or amend the Standing Rules for the Association;
 9. Adopt direct grievance procedure/activities of the Association (see Grievance Processing)
 10. Coordinate the activities of the Association and serve as a liaison to at least one (1) Fresno Teachers Association committee or task force;
 11. The appointment and removal of Professional and Associate Staff of the Association, the determination of their qualifications, the determination of their compensation, the determination of the staff employment contracts, the prescribing of their duties in addition to those specified in these Bylaws, Standing Rules, and the requiring of such agreements and bonds as may be necessary to ensure faithful service.
 12. The recommendation of policies and goals to the Rep Council for their approval;
 13. The attendance at all the meetings of the Representative Council with voting status;
 14. The ability to call an official business meeting of the general membership of the Association, such meeting to be conducted in conformance with other sections/provisions of these Bylaws.
 15. The responsibility of recommending the membership dues index to the Rep Council, which determines the amount of dues with the provisions of Part V of these Bylaws;
 16. The exercise of such other powers and the performance of such other duties as may be prescribed elsewhere in these Bylaws;
 17. The power to initiate an information vote, ballot, poll, survey, census, tally, ticket, will, wish, choice, etc., of the total membership. The ballot for such a survey (et. al) will carry a prominent disclaimer, to the effect that the results are intended for informational purposes only, and will not be binding on the Association;
 18. The power to initiate and conduct contract ratification votes, which will be binding on the Association, and provide a prompt publication of the results.

X. MEETINGS OF THE GENERAL MEMBERSHIP:

- A. Meetings of the general membership of the Association may be called for a specific purpose and will be conducted in conformance with the following:
 1. A majority vote of a quorum of the Executive Board, or

2. A two-thirds (2/3) vote of a quorum of the Representative Council;
- B. Written notification of such a meeting, including time, place, and agenda, will normally be distributed to all members, so that it is received at least ten (10) calendar days prior to the time of the meeting. In an emergency situation, with a quorum of the membership present and voting may determine whether or not notification has been sufficient, and if the above provisions have been fully met;
- C. A quorum for purposes of a general membership meeting will consist of at least 25 percent of the current regular membership as determined by the Executive Board (up to March 31st of the current year).
- D. For emergency meetings during crisis situations, the Executive Board shall adopt procedures to notify the Association membership of meeting dates, places and times.

XI. BARGAINING TEAM

- A. The President shall appoint all members, alternates, and the chairperson of the Bargaining Team with the approval of the Executive Board.
- B. The Chief Negotiator will be appointed by the Executive Board.
- C. Vacancies created by resignation or inability to serve shall be filled by the Executive Board from the list of alternates.
- D. The Executive Board, by two-thirds (2/3) majority, may remove a member of the Bargaining Team.
- E. The Bargaining Team shall be under the direction of the Executive Board, and shall report its activities to the Executive Board, as the Board requires.
- F. The Bargaining Team is empowered to reach tentative agreements with the district subject to ratification by the Active membership.
- G. Agreements reached between the bargaining team and the Fresno Unified School Board, or its representatives, will be considered tentative and not binding upon the Association until such agreements have been ratified by the active membership in the bargaining unit; unless such ratification is specifically waived, or otherwise delegated by that membership.
- H. The duties of the Bargaining Team are to represent and to bargain for active members of the Association.
- I. Responsibility and authority for directing the bargaining process on behalf of the Association are vested in the Executive Board subject to policies established by the Representative Council.
- J. Employees in each appropriate bargaining unit shall be surveyed to determine contents of the proposed contract demands, and the contract proposal for each appropriate unit shall be approved by Active members in that unit.
- K. The Executive Board shall provide for the dissemination of information regarding bargaining and the activities of the Bargaining Team to the general membership.
- L. The Executive Board will adopt standing rules setting forth its selection procedures for bargaining team members, including terms of office and criteria for appointment

XII. GRIEVANCE PROCESSING - Article 19 of the Collective Bargaining Agreement

- A. The Executive Board shall adopt, with the approval of the Representative Council, the procedures for grievance processing.
- B. These procedures shall include, but not be limited to, the following:

1. Provide for representation to assist all members of the bargaining unit(s) in processing grievances;
2. Training for handling grievances; and
3. Evaluation of the Association's grievance policies and procedures.

XIII. NOMINATIONS AND ELECTIONS

The chapter president must provide Active members an opportunity to vote in all elections. Chapter presidents do not have the option of deciding that such elections shall not be held except for NEA-RA Local Delegate elections where, following a period of open nominations, voting may be waived if the number of candidates is equal to or less than the number of positions to be filled and the affiliate has adopted a governing provision or election policy allowing such a practice.

A. There shall be an appointed Elections Committee.

1. The Chairperson and the Elections Committee shall be appointed by the President of the Association upon assumption of office.
2. Such appointment will be subject to the approval of the Executive Board.
3. The committee will review the Standing Rules and policies which govern the conduct of general Association elections and campaigns;
4. Shall recommend, as deemed necessary, revisions in those policies to the appropriate governing body.

B. The duties of the Elections Committee shall be to:

1. Establish nomination/election timelines
 - a. The election of Officers and Directors-at-Large shall be accomplished by the casting of ballots by the members in good standing of the Fresno Teachers Association, as of March 31 of the current year.
 - b. The election of Officers and Directors-at-Large shall take place during April
2. Prepare and distribute ballots for all Association elections as defined in the Bylaws and/or Standing Rules;
3. Ensure that all FTA/CTA/NEA election procedures and timelines are followed according to the Bylaws and Standing Rules of this Association;
4. Provide for and monitor the counting of the ballots for all Association elections as defined in Standing Rules
5. Certify the results of the Association election, notify the candidates in a timely manner, and publish the results immediately upon the Association's door
6. Handle initial challenges.

C. Elections shall be conducted with:

1. An open nomination procedure - i.e. any member may nominate any member in good standing, including himself/herself. The only qualification for office shall be Active membership in the chapter;
 - a. Declaration of Candidacy forms shall be made available to all members at the FTA office during the proscribed period for nominations. During this time any member may nominate any other unit member, including himself/herself for

office. The timeline for nominations by Declaration of Candidacy forms shall be from the day after the January Representative Council meeting until close of business on the last business day before the March Representative Council meeting.

- b. Nominations may be made from the floor at the regularly scheduled March meeting of the Representative Council.
 - c. The written acceptance of all nominations from the floor must be received in the Association office by 5:00 pm on the third school day following the nominations from the floor of the March Representative Council Meeting.
 - d. No person may accept a nomination for more than one seat on the Executive Board.
 - e. If the individual nominee doesn't qualify, his/her name will not appear on the ballot.
2. A publicized announcement to include the office, length of term and election timeline.
 3. A candidate's rights which will include:
 - a. Privileges extended to one candidate shall be extended to all;
 - b. Each candidate will receive a copy of election timelines, procedures, guidelines, and the right to a list of names and work sites of every Active member;
 - c. A designated observer, who may be the candidate, to observe the vote counting process.
 4. A secret ballot;
 5. The regular election of Officers, Directors-at-Large, and State Council Members shall be returned by direct mail to an independent agency to be tabulated. The Executive Board will select the independent agency and make the necessary arrangements to secure their services. When necessary to hold a special election for any of the above positions, such election can be either by direct mail or sent to the schools, as deemed appropriate;
 6. A record of ballots disbursed and verification of ballots cast; and
 7. Winner(s) declared based on the procedures as outlined in the Election Procedures of the Standing Rules
- D.** State Council Representative elections shall be conducted in accordance with CTA guidelines after the chapter or service center council has been notified to do so by the CTA Elections Committee.
- E.** NEA State Delegate elections shall be conducted in accordance with CTA guidelines.
- F.** NEA Local Delegate elections shall be conducted in accordance with CTA/NEA guidelines.
- G.** Challenges: Rules and Procedures
1. Challenges to the eligibility of voters, voting procedures, counting and tallying must be filed in writing with the Chairperson of the FTA Elections Committee within ten (10) calendar days after the final tally of the election has been determined;
 2. Names and addresses of parties who can give evidence shall be included in the written challenge;
 3. The challenge must be supported by prima facie evidence of a violation, i.e. evidence which is sufficient on its face to support the fact until it is contradicted and overcome by other evidence;

4. The Chairperson of the FTA Elections Committee shall inform the FTA Executive Board of the filing of the challenge within 48 hours of receipt of the challenge and conduct an investigation and report back to the Executive Board within ten (10) calendar days;
 5. Upon receipt of the report from the Chairperson of the FTA Elections Committee, the FTA Executive Board shall within ten (10) calendar days, either void the election and order another one or confirm the election.
- H. The ballots, voter sign-up sheets, all challenges and accompanying results shall be retained by the Association for one year after the election and/or challenge.

XIV. RECALL

A. Recall Petition

1. Any active member of FTA desiring to recall an Officer or Director-at-Large shall file a petition with the Chairperson of the FTA Elections Committee before it can be circulated.
2. The petition must contain the following information:
 - a. Name of individual who is subject of recall (only one person will be tested per petition);
 - b. Position;
 - c. Date of petition;
 - d. Name(s) of person(s) filing petition;
 - e. The charges;
 - f. Space must be provided for the printed name, signature, site, and date of signing for each name on petition; and
 - g. A notation that "Each signature must be in ink".
3. A petition for the recall of an Executive Board Member will not be declared valid unless said Board Member has completed at least three (3) calendar months (90 days) of service in that office at the time the petition is initiated. Signatures collected prior to this date will be invalid.
4. Within 14 calendar days after receipt of the recall petition, the Chairperson of FTA's Election Committee shall determine whether the petition contains the necessary information and inform the FTA President.
5. A written verification of the receipt of the recall petition(s) must be obtained from the FTA Election Committee Chairperson. This receipt must show the number of petitions received, the date received, time received, signature of the FTA Election Committee Chairperson, signature of the person delivering the petition(s), and a signature of a witness.
6. If the petition contains the necessary information, the Chairperson of the FTA Elections Committee shall notify the following (with a copy of the petition enclosed):
 - a. Petitioners;
 - b. Individual who is subject of the recall; and
 - c. FTA Executive Board.
7. If the petition does not contain the necessary information, the Chairperson of FTA's Elections Committee shall so notify the petitioner.

B. Recall Rules, Procedures and Timeline

1. If the petition(s) contains the necessary information, the Chairperson of FTA's Election Committee will inform the petitioner and the individual(s) who is the subject of the recall of the rules, procedures and timelines (beginning date and deadline date for gathering of signatures).
2. The timeline for gathering signatures will commence the day after the Chairperson of FTA's Election Committee notifies the petition circulator(s) and the individual(s) who is/are the subject of the recall that the petition(s) contains the necessary information.
3. A maximum of ninety (90) calendar days shall be permitted to obtain the signatures of at least twenty-five percent (25%) of the active FTA membership, as of the date petitions were certified for circulation.
4. The signed petition(s) must be received by the FTA Elections Committee by the specified deadline date. Post-marked date is not accepted.
5. The FTA Elections Committee shall have fourteen (14) calendar days after the receipt of the petition(s) to verify the FTA membership of the signers.
6. If there are insufficient signatures, the Chairperson of FTA's Elections Committee shall notify the petition circulator(s) of the number of signatures needed to qualify the petition.
7. The petition circulator(s) shall have an additional ten (10) calendar days from the date of the notification to gather and submit the necessary signatures.
8. The FTA Elections Committee shall have an additional ten (10) calendar days after the receipt of the additional signatures to verify the FTA membership of the signers.
9. Within five (5) calendar days of the verification of the FTA membership, the Chairperson of FTA's Election Committee shall notify the FTA Executive Board.
10. The notification shall include whether, if the recall election should result in the recall of an FTA Executive Officer or Director-at-Large, should an election be held (at the same time) for a replacement, or should a separate election be held after the recall election has been completed.
11. Formal notice of the recall election will be given to each member of the Association within two (2) weeks of the date upon which the FTA Election Committee declares a petition of recall to be valid, and not more than four (4) weeks before the date for the recall election.
12. The person named in the recall petition will have the right to make a rebuttal statement, which will be distributed to the membership at least seven (7) calendar days before the recall election.
13. A recall election will be conducted by the FTA Elections Committee in conformance with the regular election procedures which are part of the Standing Rules of this Association.
14. A majority (half plus one) of the ballots cast will constitute a recall.

- C.** In the event a full-time release President is recalled, the Association will continue all benefits until the recalled President is returned to service with the Fresno Unified School District.

XV. COMMITTEES

- A. The permanent standing committees of the Fresno Teachers Association will be:
 - 1. Elections and
 - 2. Negotiations Team.
- B. Committees, except as otherwise provided in these bylaws, shall be established and discontinued by the Executive Board, subject to approval by the Representative Council.
- C. The Association shall maintain such other Standing and Special Committees as are specified in the Standing Rules.
- D. Each committee shall submit periodic reports to the Executive Board and Representative Council.

XVI. STANDING RULES

The Executive Board of the Association, acting by majority vote of a quorum of its members, will have the power to adopt and, from time to time, to amend such rules and regulations pertaining to the purpose, activities, and affairs of the Association as it deems necessary and desirable provided that such rules and regulations do not conflict with the provisions of law or with those of the Articles of Incorporation or these Bylaws

XVII. PARLIAMENTARY AUTHORITY

Robert's Rules of Order, latest edition, shall be followed at all meetings of the Association, the Representative Council, and the Executive Board.

XVIII. EMPLOYMENT RESTRICTIONS

- A. No Officer or Director-at-Large shall be eligible to apply for any staff or Uniserv position at Fresno Teachers Association for one term (two years) after his/her last day in office.

XIX. AMENDMENTS PROCEDURES

- A. Amendments to the Bylaws may be introduced by any member, in good standing, of the Association, the Representative Council, or by recommendation of the Executive Board. Introduction may be accomplished at a meeting of the Representative Council or through notice mailed to all Faculty Representatives.
- B. A copy of the proposed amendment(s) will be made available to each member of the Representative Council posted on the Fresno Teachers Association's website and posted at each school site at least twenty (20) calendar days prior to the regularly scheduled meeting at which initial consideration of the amendment(s) will take place.
- C. Initial consideration of a proposed Bylaw Amendment(s) by the Representative Council will be for the purpose of determining if the Council will approve the proposal for further and final consideration at its next regularly scheduled meeting.
 - 1. Approval for further consideration will be granted by a majority vote of the Representative Council members, if a quorum is present and voting.
 - 2. If an Amendment is amended, the timeline will start again with notification.
- D. Any proposed amendment to these Bylaws which has been approved for further and final consideration, may be adopted at the next regularly scheduled Council meeting by the affirmative vote of two-thirds (2/3) of the Representative Council members if a quorum is present and voting. An amendment to the Bylaws will become effective immediately upon its adoption, unless otherwise specified in the amendment

ADDENDUM #1

**NEA CODE OF ETHICS
PREAMBLE**

The Educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than one specifically designated by the NEA or its affiliates.

PRINCIPLE I Commitments to the Student

The educator strives to help each student realize his or her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning.
2. Shall not unreasonably deny the student access to varying points of view.
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress.
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
5. Shall not intentionally expose the student to embarrassment or disparagement.
6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly:
 - a. Exclude any student from participation in any program
 - b. Deny benefits to any student
 - c. Grant any advantage to any student.
7. Shall not use professional relationship with students for private advantage.
8. Shall not disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

PRINCIPLE 2 Commitments to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator:

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not assist a non-educator in the unauthorized practice of teaching.
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
7. Shall not knowingly make false or malicious statements about a colleague
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action.

Adopted by the 1975 NEA
Representative Assembly

